रजिस्ट्री सं० डी० एल० 33004/93 REGISTERED No. DL-33004/93

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 53] नई दिल्ली, शनिवार, अप्रैल 3, 1993/चैत्र 13, 1915
No. 53] NEW DELHI, SATURDAY, APRIL 3, 1993/CHAITRA 13, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 3rd April, 1993/Chaitra 13, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 2nd April 1993, and is hereby published for general information:—

THE DENTISTS (AMENDMENT) ACT, 1993

No. 30 OF 1993

[*2nd April*, 1993.]

An Act further to amend the Dentists Act 1948.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Dentists (Amendment) Act, 1993. Short title and commencement.

(*2*) It shall be deemed to have come into force on the 27th day of August, 1992.

16 of 1948.

2. After section 10 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:— Insertion of new sections 10A, 10B and 10C.

'10A. (*1*) Notwithstanding anything contained in this Act or any other law for the time being in force,— Permission for establishment of new dental college, new courses of study, etc.

(*a*) no person shall establish an authority or institution for a course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the grant of recognised dental qualification; or

(*b*) no authority or institution conducting a course of study or training (including a post-graduate course of study or training) for grant of recognised dental qualification shall—

(*i*) open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised dental qualification; or

(*ii*) increase its admission capacity in any course of study or training (including a post-graduate course of study or training),

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1.—For the purposes of this section, "person" includes any University or a trust but does not include the Central Government.

Explanation 2.—For the purposes of this section, "admission capacity", in relation to any course of study or training (including a post-graduate course of study or training) in an authority or institution granting recognised dental qualification, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(*2*) (*a*) Every person, authority or institution granting recognised dental qualification shall, for the purpose of obtaining permission under sub-section (*1*), submit to the Central Government a scheme in accordance with the provisions of clause (*b*) and the Central Government shall refer the said scheme to the Council for its recommendations.

(*b*) The scheme referred to in clause (*a*) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.

(*3*) On receipt of a scheme by the Council under sub-section (*2*), the Council may obtain such other particulars as may be considered necessary by it from the person, authority or institution concerned, granting recognised dental qualification and thereafter, it may,—

(*a*) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person, authority or institution concerned for making a written representation and it shall be open to such person, authority or institution to rectify the defects, if any, specified by the Council;

(*b*) consider the scheme, having regard to the factors referred to in sub-section (*7*), and submit the scheme together with its recommendations thereon to the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person, authority or institution concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Central Government except after giving the person, authority or institution concerned granting recognised dental qualification a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person, authority or institution whose scheme has not been approved to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (2).

(5) Where within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order passed by the Central Government has been communicated to the person, authority or institution submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it had been submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time-limit specified in sub-section (5), the time taken by the person, authority or institution concerned submitting the scheme in furnishing any particulars called for by the Council or by the Central Government, shall be excluded.

(7) The Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:—

(a) whether the proposed authority or institution for grant of recognised dental qualification or the existing authority or institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of dental education in conformity with the requirements referred to in section 16A and the regulations made under sub-section (1) of section 20;

(b) whether the person seeking to establish an authority or institution or the existing authority or institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure

proper functioning of the authority or institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(*d*) whether adequate hospital facilities, having regard to the number of students likely to attend such authority or institution or course of study or training or as a result of the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(*e*) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such authority or institution or course of study or training by persons having the recognised dental qualifications;

(*f*) the requirement of manpower in the field of practice of dentistry; and

(*g*) any other factors as may be prescribed.

(*8*) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person, authority or institution concerned.

Non-recognition of dental qualifications in certain cases.

10B. (*1*) Where any authority or institution is established for grant of recognised dental qualification except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution shall be a recognised dental qualification for the purposes of this Act.

(*2*) Where any authority or institution granting recognised dental qualification opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of such study or training shall be a recognised dental qualification for the purposes of this Act.

(*3*) Where any authority or institution granting recognised dental qualification increases its admission capacity in any course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of the increase in its admission capacity shall be a recognised dental qualification for the purposes of this Act.

Explanation.—For the purposes of this section, the criteria for identifying a student who has been granted a dental qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

Time for seeking permission for certain existing authorities.

10C. (*1*) If, after the 1st day of June, 1992 and on and before the commencement of the Dentists (Amendment) Act, 1993 any person has established an authority or institution for grant of recognised dental qualification or any authority or institution granting recognised dental qualification has opened a new or higher course of study or training (including a post-graduate course of study or training) or increased its admission capacity, such person, authority or institution, as the case may be, shall seek, within a period of one year from the commencement of the Dentists (Amendment) Act, 1993, the permission of the Central Government in accordance with the provisions of section 10A.

(*2*) If any person or, as the case may be, any authority or institution granting recognised dental qualification fails to seek the permission under sub-section (*1*), the provisions of section 10B shall apply, so far as may be, as if permission of the Central Government under section 10A has been refused.'.

Amendment of section 20.

3. *In section 20 of the principal Act, in sub-section (2), after clause* (*f*), the following clauses shall be inserted, namely:—

"(*fa*) prescribe the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (*b*) of sub-section (*2*) of section 10A;

(*fb*) prescribe any other factors under clause (*g*) of sub-section (*7*) of section 10A;

(*fc*) prescribe the criteria for identifying a student who has been granted a dental qualification referred to in the *Explanation* to sub-section (*3*) of section 10B.".

Ord. 3 of 1993.

Repeal and saving.

4. (*1*) The Dentists (Amendment) Ordinance, 1993 is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

B. R. ATRE,
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PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1993